

EXHIBIT L



Human Resources and Payroll
1924 Alcoa Highway, Box 36
Knoxville, TN 37920-6999
Main: 865.305.9520
Fax: 865.305.9523

September 7, 2010

Christy Brewer
905 Smoky Crossing Way
Seymour, TN 37865

Dear Ms. Brewer:

We are pleased to confirm the verbal offer of employment extended to you for the position of Nurse Anesthetist which began September 1, 2010, working under the supervision of Jerry Epps, MD. Your position here is regular, full-time, exempt with a beginning monthly salary rate of \$9,833.33.

We hope you will find this to be the beginning of a challenging and rewarding work experience. If the Department of Human Resources can help you in any way, please call us.

Sincerely,

A handwritten signature in black ink that reads 'Pam Brichetto'. The signature is written in a cursive, flowing style.

Pam Brichetto
Assistant Director
Human Resources

PB/aml
cc: Jerry Epps, MD
Enclosure

EXHIBIT M

Rinehart, M Paige

From: Jones, James A
Sent: Friday, September 03, 2010 7:14 AM
To: Rinehart, M Paige; 'Ed Mobley'
Subject: FW: Christy Brewer

From: Christy Brewer [mailto:ivypetals@hotmail.com]
Sent: Monday, August 30, 2010 11:48 AM
To: Jones, James A
Subject: Christy Brewer

Jim,
I don't know how to explain this, but I failed my boards today. I am going to have to re-group, re-organize and re-test. Everyone at UPMC has been wonderful and I do not expect you to continue to hold a position for me. Please advise.
Kind regards,

Christy Brewer

EXHIBIT N

Rinehart, M Paige

From: Whittle, Dana C

Sent: Thursday, October 07, 2010 8:50 AM

To: Rinehart, M Paige

Subject: RE: Christy Brewer

We will have to hire her into the system and pay her for orientation at the Registry Rate. Then you just need to send a terminal paf to terminate her.

From: Rinehart, M Paige

Sent: Thursday, October 07, 2010 7:30 AM

To: Whittle, Dana C

Subject: Christy Brewer

Dana,

The CRNA committee has decided to terminate the offer of employment to Christy Brewer. What information do you need from me?

Thanks,
Paige

10/7/2010

EXHIBIT O



University Health System Personnel Actions

EFFECTIVE DATE: 10-7-2010

(All changes should be made effective the first day of the pay period.)

☒ UHS Employee ☐ UT Leased Employee
(Please check the appropriate box.)

Last Name: Brewer **First Name:** Christy **MI:** _____

Former Name: _____

Home Address: _____ **City:** _____ **State:** _____ **County:** _____ **Zip Code:** _____

Home Telephone Number: _____ **Department Telephone Number:** _____

Emergency Contact: _____ **Emergency Contact Telephone Number:** _____

Accounting Unit: 80230 **Employee Number:** _____

Social Security Number: _____ **Date of Birth:** _____ **Birth State:** _____

Gender: ☐ Female ☐ Male **Race:** ☐ White ☐ American Indian/Alaskan ☐ Black ☐ Asian/Pacific Islander ☐ Hispanic

Marital Status: ☐ Single ☐ Married ☐ Divorced **Highest Education Level:** _____

Check all that apply: ☐ Hire ☐ Promotion ☐ Demotion ☐ Transfer ☒ Termination

☐ PAF Data Change (description) Licensure not obtained

☐ Rate Change (description) _____

Hire Date: _____ **Leave Start Date:** _____ **Leave End Date:** _____ **Retirement Date:** _____

Termination Date: 10-7-2010 **Termination Code:** 195 **Termination Reason:** Licensure not obtained

Direct Care RN Termination or Transfer Reason (Use Magnet codes) _____

Prior Status: _____ **New Status:** _____ **Process Level:** _____ **Accounting Unit Number:** _____

Prior Job Code: _____ **Prior Job Title:** _____ **Prior FTE:** _____

New Job Code: _____ **New Job Title:** _____ **New FTE:** _____

Prior Rate of Pay: _____ **Hourly** _____ **Monthly** _____ **Annual** _____

New Rate of Pay: _____ **Hourly** _____ **Monthly** _____ **Annual** _____

Exempt: ☐ Yes ☐ No **Salary Class:** _____ **Multiple Work Week (if applicable)** _____ **Work Schedule:** _____

Shift: _____ **Annual Leave Balance:** _____ **Sick Leave Balance:** _____

Human Resources Only

Processed by: _____

Date Processed: _____

Sent to Payroll: _____

Position Control #: _____

Approved by: _____
Department Manager

Administrative Division Head

Human Resources Representative

10/23/10
Date

Date

Date

EXHIBIT P

From: Christy Brewer
To: Melody Tilley; =SMTP:wayneellis@suddenlinkmail.com; =SMTP:wayneellis@charter.net
Subject: thesis: problem/purpose
Date: Monday, December 03, 2007 1:40:51 PM

Dr. Ellis,
I have a really good start on my lit collection. I know what I want to accomplish with my thesis, but need your advise on how to word my problem and purpose. If you have time at the end of this session I would like to sit down and go over my problem/purpose with you. My goal for the IRB submission is now January. I may/may not make it. Will do my best

Lastly, I have no complaints about our program and am very satisfied. If you need a student to answer questions or give the accrediting staff a tour, I will be glad to. I try to be a friend to all my classmates, I work hard to keep our class a "team", but hope that you will view me as just me.:)

Christy Brewer

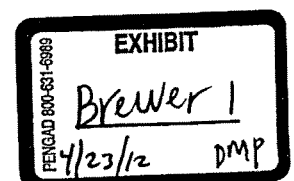


EXHIBIT Q



February 4, 2010

VIA E-MAIL

Rebekah Carmel, CRNA, MSN, MSNA
Program Director
Mountain State University Nurse Anesthesia Program
609 S. Kanawha Street
P.O. Box 9003
Beckley, WV 25802-9003

Subject: Probation Lifted and Continued Accreditation Granted for Four (4) Years

Dear Ms. Carmel:

The directors of the Council on Accreditation of Nurse Anesthesia Educational Programs (COA) are pleased to inform Mountain State University Nurse Anesthesia Program that probation has been lifted and continued accreditation has been granted for four (4) years. This decision recognizes the program for providing a graduate level curriculum leading to the award of a Master of Science in Nursing (MSN) with a concentration in Nurse Anesthesia degree. A certificate designating this accreditation that is effective January 20, 2010, is enclosed.

Given this action of the COA, the program will be scheduled for its next consideration of continued accreditation in **Fall 2013**. The COA may change this to an earlier time as a result of new or additional information, changes in the activities of your program, or changes needed in the accreditation review schedule. Your program will be notified of any change in advance of the time of the next review.

The 1996 Accreditation Policies and Procedures (page D3) manual states: "Established programs must submit anonymous faculty and student evaluations at the mid-point of an accreditation cycle. For example, a program receiving a 10 year accreditation would submit evaluations at 5 years following the accreditation decision." The COA utilizes an online evaluation process. Accordingly, we will send you instructions for the student and faculty online evaluations in **Spring 2011**. Students and faculty must submit the completed evaluations by **June 1, 2011**. All evaluations will then be reviewed by the COA at its **Fall 2011** meeting.

February 4, 2010
Rebekah Carmel, CRNA, MSN, MSNA
Mountain State University Nurse Anesthesia Program
Page 2

The COA requires the program submit a progress report on the following unresolved Standards and criteria to be reviewed at its **January 19-21, 2011**, meeting. The extended due date for the progress report is to provide the program time to provide the requested documentation. Please note that the program must submit its response to the progress report using the COAccess program portal no later than **November 1, 2010**. The program must provide a narrative response and include supporting documentation on the following areas of concern:

Standard III, Criterion C19

The program demonstrates that it has achieved its stated outcomes.

The program is asked to submit Certification Exam pass rates and employer evaluations and results in order to demonstrate the success of the program in meeting its stated outcomes.

Standard IV, Criterion D1e

The institution and/or program utilizes systematic evaluation processes to assess achievement in the following areas:

e. Alumni involvement in professional activities.

The program is asked to submit alumni evaluations and results to demonstrate that the program utilizes systematic evaluation processes to assess achievement of alumni.

Standard IV, Criterion D3d

The program relies upon periodic evaluations from its communities of interest to determine program effectiveness:

d. Alumni evaluations of the program.

The program is asked to submit alumni evaluations and results to demonstrate that the program uses periodic evaluations from its communities of interest to determine program effectiveness.

Federally Mandated Requirements 2

The program's conducting entity demonstrates compliance with an institution's responsibilities under Title IV of the Higher Education Act, including: results of financial or compliance audits and program reviews and other information that the U.S. Secretary of Education may request.

The program is asked to submit the letter from the Department of Education (DOE) demonstrating that the program is in compliance with its responsibilities under Title IV of the Higher Education Act.

February 4, 2010
Rebekah Carmel, CRNA, MSN, MSNA
Mountain State University Nurse Anesthesia Program
Page 3

The COA recognizes your efforts, Ms. Carmel, in making significant progress toward bringing the program into full compliance with the 2004 Standards for Accreditation of Nurse Anesthesia Educational Programs and implementing quality improvements in the program. Please accept the COA's congratulations on the program's achieving continued accreditation status.

Sincerely,

Francis Gerbasi

Francis Gerbasi, CRNA, PhD
Executive Director

c: Judith Halle, PhD, RNC
Roslyn Clark-Artis, JD
Kelli Mays
Jodie Edwards, CRNA
Charles Polk, EdD
Margaret Faut-Callahan, CRNA, PhD, FAAN
K. Stephen Anderson, CRNA, Med
Keith Torgersen, CRNA, MSN

FG/ab
L:\ACCRED\program\Mountain State University\SA&DLTR\2010\020410_Probation Lifted_Cont Accred_4 yrs.docx

EXHIBIT R

Christy Brewer

1304 Woodland Drive
Charleston, WV 25302
ivypetals@hotmail.com
(606) 272-7329

file

December 13, 2007

Dr. Ellis,

After my husband and I met with you on December 12, 2007 it is my understanding that I have not successfully completed the components for GCRNA 542 Pharmacology. I appreciate the options that you have presented to me. I have made the decision to accept your offer and join Cohort 4 during the summer session of May 2008. I have made this decision because I want to make significant improvements in pharmacology and ultimately become an excellent CRNA.

After considering all of my options I want to make the best decision that will help me to achieve my goal of becoming a CRNA. I would like to propose that I take a special topics/independent study class from January through May 2008 in pharmacology. Since I already have the lectures I feel that if we work together this would be the better option for me, rather than taking another chemistry/physics class. I have already completed numerous chemistry/physics class for which I have earned A's and B's. This would allow me to thoroughly study pharmacology at a slower pace. I will certainly be able to use this information in the clinical setting.

I have successfully completed 9 credit hours this fall and have earned A's and B's. I understand that I will join Cohort 4 in May 2008. I will sit in on all of the classes and gain the duplicated information from these classes. I will participate fully as if I have never taken these classes, however, I am repeating these classes to increase and improve my knowledge. I want to keep my present grades for, GCRNA 512, 530, and 602. I understand the cost of tuition will be the full amount for the Fall 2008.

Instead of viewing this as a set back, I will use this time to improve my knowledge of pharmacology and to complete my thesis.

Again, I thank you for this opportunity. I will try my best to not let you down this time.

Kind regards,

Christy Brewer

MSU 00143

EXHIBIT S

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

CHRISTY M. BREWER,)
)
Plaintiff,)
)
VS.) CIVIL ACTION NO. 5:11-CV-00467
)
)
MOUNTAIN STATE)
UNIVERSITY, INC.,)
)
Defendant.)

The deposition of MELODY TILLEY in the above-styled matter was taken pursuant to notice for discovery and/or evidentiary purposes, before Aneta M. Bazzie, a Notary Public within and for the State of West Virginia at Large, on the 5th day of July, 2012, commencing at 12:05 P.M., EDST, at the John W. Eye Conference Center, 500 South Kanawha Street, Beckley, West Virginia.

BROWN REPORTING AGENCY
P.O. Box 5473
Beckley, West Virginia 25902-5473
304/252-4106

1 (Witness Sworn)
2 THEREUPON came,
3 MELODY TILLEY
4 called as a witness on behalf of the Plaintiff herein,
5 who, having been first duly sworn according to law,
6 testified as follows:
7 DIRECT EXAMINATION
8 BY MR. MEHALIC:
9 Q Hello.
10 A Hello.
11 Q We met a moment ago, my name is Jeff
12 Mehalic, I represent Christy Brewer in a lawsuit against
13 Mountain State University. Would you tell us your full
14 name, please?
15 A Melody Lea Tilley.
16 Q And your last name is T-I-L-L-E-Y?
17 A Correct.
18 Q What is your mailing address?
19 A My mailing address is P.O. Box 894,
20 Skelton, S-K-E-L-T-O-N, West Virginia, 25919.
21 Q Ms. Tilley, have you ever given a
22 deposition before?
23 A Yes.

Page 2

Page 4

APPEARANCES: JEFFREY V. MEHALIC, ESQ.
LAW OFFICES OF JEFFREY V. MEHALIC
1215 Quarrier Street
Post Office Box 11133
Charleston, West Virginia 25339-1133
Counsel for Plaintiff
JEFFREY M. CROPP, ESQ.
STEPHENS & JOHNSON, PLLC
400 White Oaks Boulevard
Bridgeport, West Virginia 26330
Counsel for Defendant

I N D E X

<u>Plaintiff's Witness:</u>	<u>Direct</u>	<u>Cross</u>
Melody Tilley	3	--
<u>Plaintiff's Exhibits:</u>		<u>Marked</u>
Tilley Dep. Exhibit No. 1		40
Tilley Dep. Exhibit No. 2		62
Tilley Dep. Exhibit No. 3		66
Tilley Dep. Exhibit No. 4		73
Reporter's Certificate -- Page 97		
Signature Sheet -- Page 98		
Errata Sheet -- Page 99		

B.R.A.

1 Q How many times?
2 A Two or three times, I'm not really
3 sure.
4 Q That's fine. How recent was the most
5 recent deposition you gave, how long ago was that?
6 Let me ask this, was it in Wayne Ellis' case?
7 A Correct.
8 Q Okay. So within the past few months?
9 A Yes, sir.
10 Q The other depositions you've given,
11 were those in connection with Mountain State University
12 or did they involve Mountain State University?
13 A Yes.
14 Q Did they involve the CRNA program?
15 A Yes.
16 Q Do you remember the names of the
17 plaintiffs in those cases?
18 A Yes.
19 Q What were the name -- what were the --
20 who were the plaintiffs whose cases you've been deposed
21 in?
22 A One was Vance, Kutcher, Mr. Williams,
23 that was the three, that was together. I believe that

1 Q I guess what my -- my question is more,
2 how much did he delegate to you in terms of communicating
3 with students and keeping them informed, I mean, how much
4 did he rely on you to do that versus what he did himself?

5 MR. CROPP: Object to the form. You
6 can answer.

7 BY MEHALIC:

8 A It really depends on what he asked --
9 I mean, what he asked me to do, it was not anything
10 that I took upon myself, but it really depends on
11 what he wanted -- what the correspondence had to
12 do with.

13 Q Was he -- would you describe him
14 as involved or hands-on with the program, with the
15 administration of the CRNA program?

16 A Oh, yes.

17 Q Did you enjoy working with him?

18 A I did.

19 Q Were you sorry when he left?

20 A I was.

21 Q What was your -- you had the same
22 position with Dr. Smith -- or Mr. Smith?

23 A Dr. Smith.

1 in in August, she started in December of that year, and
2 she actually started on campus in January, the following
3 year, and then she closed the program in October.

4 Q So you would have worked with her for
5 about three years?

6 A Correct.

7 Q Okay. And did you perform the same
8 sort of duties for her that you had for Dr. Smith and
9 Dr. Ellis?

10 A I did.

11 Q Do you recall ever telling Christy that
12 -- when she was in the CRNA program, that she would be
13 able to live at home with her family and attend classes
14 and then attend clinicals within 50 miles of her home?

15 A No, no, no.

16 Q You did not tell her that?

17 A No.

18 Q Do you ever recall telling any student
19 that?

20 A I always told students it was a
21 regiment, I mean, a rehearsed scenario communications
22 that all students coming into the program would have
23 to travel, they could attend classes, however, during

1 Q Dr. Smith. Is that correct?

2 A Yes.

3 Q Did you have the same sort of inter-
4 action or level of communication with him that you
5 had with Dr. Ellis?

6 A Dr. Smith came in in August, and it was
7 one of those situations where an administrative personnel
8 and a director or that sort of thing has to build a
9 relationship, so I did not have that relationship right
10 off the bat, I gradually, but not to Dr. Ellis' extent,
11 because I hadn't -- he left, I think it was in February,
12 so it didn't -- we didn't have a lot of time to bond.

13 Q You only had a handful of months --

14 A Yes.

15 Q -- to work together?

16 A Yes, sir.

17 Q And then what about with Dr. Carmel?

18 A I bonded with her very quickly.

19 Q And she had already been in the program
20 or was she brought in to run it?

21 A No, she --

22 Q She was brought in to run it?

23 A She was brought in in -- Dr. Smith came

1 the second session they would have to definitely travel
2 to clinical rotations and we could not guarantee where
3 their clinical rotations were going to be at, mainly
4 because of the fact there were specialty rotations,
5 there were heart rotations, there were cardiac rotations,
6 they were nowhere near Charleston basically, so --

7 Q Were there any assurances given to
8 students that they would be assigned to clinicals as
9 close as possible to their homes?

10 A We said that we would try to get
11 students to attend clinicals as close to home as
12 possible, however, you know, based upon the class
13 size, that was not going to be realistic, and we
14 were very up front with that.

15 Q But you all knew going in, when I say
16 going in, you knew at the beginning that some of these
17 clinicals were going to involve significant distances
18 for the students to travel?

19 A Oh, yes, uh-huh.

20 Q Did you all ever give the students
21 any specifics about, you know, you're going to go
22 into Beckley and you're going to have to travel to
23 "X" hospital or "X" facility that's so far away?

EXHIBIT T

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

CHRISTY M. BREWER,)
)
 Plaintiff,)
)
) CASE NO. 5-11-CV-00467
)
)
 MOUNTAIN STATE)
 UNIVERSITY, INC.,)
)
 Defendant.)

The deposition of WAYNE ELLIS in the above-styled matter was taken pursuant to notice for discovery and/or evidentiary purposes, before H. David Stanley, a Notary Public within and for the State of West Virginia at Large, on the 21st day of June, 2012, commencing at 1:27 P.M., EDT, at John W. Eye Conference Center, Mountain State University, 500 S. Kanawha Street, Beckley, West Virginia.

BROWN REPORTING AGENCY
P.O. Box 5473
Beckley, West Virginia 25801-7508
304/252-4106

COPY

I N D E X

<u>Plaintiff's Witness:</u>	<u>Direct</u>	<u>Cross</u>
Wayne Ellis	4	141
	158	--

<u>Plaintiff's Exhibits:</u>	<u>Marked</u>
Ellis Deposition Exhibit No. 1	11
Ellis Deposition Exhibit No. 2	14
Ellis Deposition Exhibit No. 3	24
Ellis Deposition Exhibit No. 4	31
Ellis Deposition Exhibit No. 5	36
Ellis Deposition Exhibit No. 6	43
Ellis Deposition Exhibit No. 7	65
Ellis Deposition Exhibit No. 8	93
Ellis Deposition Exhibit No. 9	106
Ellis Deposition Exhibit No. 10	106
Ellis Deposition Exhibit No. 11	114
Ellis Deposition Exhibit No. 12	119
Ellis Deposition Exhibit No. 13	134
Ellis Deposition Exhibit No. 14	139
Reporter's Certificate --	Page 163
Signature Sheet --	Page 164
Errata Sheet --	Page 165

B.R.A.

APPEARANCES: JEFFREY V. MEHALIC, ESQ.
LAW OFFICES OF JEFFREY V. MEHALIC
1215 Quarrier Street
Post Office Box 11133
Charleston, West Virginia 25339-1133
Counsel for Plaintiff

JEFFREY M. CROPP, ESQ.
STEPTOE & JOHNSON, PLLC
400 White Oaks Boulevard
Bridgeport, West Virginia 26330
Counsel for Defendant

B.R.A.

1 (Witness Sworn)
2 THEREUPON came,
3 WAYNE ELLIS,
4 called as a witness on behalf of the Plaintiff herein,
5 who, having been first duly sworn according to law,
6 testified as follows:
7 DIRECT EXAMINATION
8 BY MR. MEHALIC:
9 Q Good afternoon.
10 A Good afternoon.
11 Q Would you give us your full name
12 please?
13 A William Enick Ellis.
14 Q What is your address?
15 A It's 219 Crescent Road, Beckley, West
16 Virginia.
17 Q And what is your profession?
18 A I am an educator and a nurse
19 anesthetist.
20 Q And you have a doctorate I understand?
21 A I do.
22 Q Dr. Ellis, my name is Jeff Mehalic. I
23 represent Christy Brewer in an action she has filed

Page 153

1 sites, a lot of clinical sites, in West Virginia. At
 2 that point in time, we had St. Marys and all the
 3 hospitals in Huntington, the VA, St. Marys and Marshall.
 4 Then we had Thomas. We had St. Francis. We had several
 5 hospitals along the Ohio River. We were working to get
 6 into a couple of the outlying CAMC facilities where they
 7 didn't have students from CAMC. We had program classes
 8 in Parkersburg, Clarksburg. Here in Beckley, we had at
 9 BARH and at Raleigh General. With the issues that
 10 occurred during the spring and summer of 2008, we lost at
 11 least ten clinical sites. And so most of the clinical
 12 sites that would have been close to Christy or any of the
 13 other students that lived in the central valley were gone
 14 and we had absolutely none of them left at the end of
 15 July of 2008. We were scrambling because all of a sudden
 16 we had 44 students to put in clinicals. At least that
 17 was my fear when I was fired, that we had all these
 18 students out there and we were really hurting for
 19 clinicals. And that's one of the things that Council
 20 pointed out to Mountain State when they came back for
 21 their unannounced visit in the fall is that there were
 22 insufficient clinicals for the students and they had to
 23 drive excessive amounts of distance and pay for hotels

Page 154

1 and things of that nature.
 2 Q But did you tell Christy Brewer that
 3 she would be able to do all of her clinical rotations
 4 close to her home?
 5 A That was probably when we did the
 6 interview. We told all the students that we had enough
 7 clinical sites in the central valley that they would be
 8 able to do their clinicals without leaving home.
 9 Q Without leaving their home. Even
 10 though that was inconsistent with what the written
 11 materials stated.
 12 A We stated in the written materials we
 13 would do as much as possible to have clinical sites close
 14 to home.
 15 Q Right. In the conversation you had
 16 with Ms. Brewer -- do you remember the specific conver-
 17 sation with her about that issue or are you just talking
 18 about in general?
 19 A In general.
 20 Q Was it also the idea that -- the same
 21 notion that, you know, the goal was to try to keep as
 22 close to home as possible?
 23 A Yes.

Page 155

1 Q Okay.
 2 A Everybody had to go to St. Marys for
 3 hearts at that point in time because that was the only
 4 place that we had because CAMC was the only heart place
 5 at that time that was doing open heart surgery and their
 6 students were doing all the hearts. So the only other
 7 place at that point in time was up at St. Marys. Later
 8 we were able to do hearts at Parkersburg and -- well, we
 9 did a few hearts up at Ruby until the residents got
 10 upset.
 11 Q Where is St. Marys located?
 12 A St. Marys is in Huntington.
 13 Q Okay. And the requirement is that the
 14 COA requires students to perform number of types of
 15 procedures?
 16 A Correct.
 17 Q And that's part of the accreditation
 18 requirement.
 19 A And accreditation and certification.
 20 They could not take the certification exam if they didn't
 21 meet certain numbers.
 22 Q And so the student would have to go
 23 to various hospitals to make sure they get all the

Page 156

1 procedures they needed?
 2 A All the different types, yes, sir.
 3 Q Was there also a value in having the
 4 students move from hospital to hospital to be exposed to
 5 different CRNAs?
 6 A That and also this served as a
 7 recruitment process for all the schools -- I mean, not
 8 schools, but all the hospitals so they had a chance to
 9 work with the students and then they knew whether they
 10 wanted to offer them a job or not.
 11 Q But you can't remember a specific
 12 statement to Ms. Brewer but, generally, at that point in
 13 time, it was more so that the goal was to keep students
 14 close for clinicals.
 15 A When we interviewed Ms. Brewer which
 16 would have been in mid-2006 to start the 2007 program,
 17 our intention was to keep everybody within the Beckley
 18 and Charleston area. We had sufficient clinical sites
 19 for almost 60 students between the hospitals between
 20 Beckley, Charleston and Huntington.
 21 Q That was the goal?
 22 A Yes.
 23 Q And that was advantageous to the

Page 157

1 applicants?

2 A Yes. And I believe in the Handbook

3 there is a statement that says that we will do everything

4 possible to have most of your clinicals close to home but

5 there is a possibility that you may have to relocate for

6 certain clinical experiences.

7 Q And did you convey that to the students

8 during that time frame that Ms. Brewer was applying for

9 the school?

10 A We gave them a copy of the Handbook

11 when they applied, we also, then, on the first day that

12 they were on campus at the beginning of the program, we

13 went over it page by page, the Handbook.

14 Q So you would have informed them of that

15 possibility?

16 A Yes. We listed out the various

17 clinical sites to each of the students on that first day

18 with what was available and so that they saw how they

19 would stay in certain counties.

20 MR. CROPP: Can we take a couple minute

21 break?

22 MR. MEHALIC: Sure.

B.R.A.

Page 158

1 (WHEREUPON, there was a short

2 break in the proceeding)

3 MR. CROPP: That's all the questions I

4 have right now. Thank you.

5 THE WITNESS: Thank you.

6 MR. MEHALIC: I have a couple of follow

7 ups.

8 REDIRECT EXAMINATION

9 BY MR. MEHALIC:

10 Q Dr. Ellis, did you or anyone on behalf

11 of MSU ever tell the students when they were interviewing

12 or when they started the program, that circumstances

13 could change and they might have to incur some signifi-

14 cant hardship and expense in attending these clinicals?

15 A When we interviewed and started all the

16 Cohorts before I left, we explained to them that we do

17 our utmost to have clinicals close to home so that they

18 didn't have to incur expenses. However, they would have

19 to move for certain experiences. We did not know the

20 calamity that would occur in May through July of 2008 and

21 as soon as we realized the impact that was going on with

22 those loss of clinical sites, the students were informed.

23 Q But you'll agree with me that the

Page 159

1 calamity was not of the student's making or doing?

2 A That's correct. It was neither

3 students nor faculty.

4 Q If I understood you correctly, the

5 calculations that, for instance, Dr. Hupka would have

6 performed, he retained?

7 A Yes, sir.

8 Q A letter would have been sent to you

9 with the grades?

10 A Yes, sir.

11 Q Do you know what the University's

12 retention policy, document retention policy, is with

13 respect to a letter like that?

14 A It would have been forever and it

15 should be somewhere in a file listed as faculty

16 correspondence.

17 Q Okay.

18 A And I have no idea. When we were

19 looking in other suits for documents that had been

20 submitted that we had copies of, they had disappeared.

21 Q Okay.

22 MR. MEHALIC: And I will represent to

23 you that that has not been produced during

Page 160

1 Discovery in this case. Has it?

2 MR. CROPP: Not that I'm aware of.

3 I've not seen it.

4 MR. MEHALIC: Okay.

5 BY MR. MEHALIC:

6 Q And we've talked about the three but

7 the three instructors were Hupka, Maloney --

8 A And I can't remember the other

9 gentleman's name.

10 Q Okay. You mentioned to Mr. Cropp that

11 there were ten students that went through the process.

12 A Over the time that I was Program

13 Director.

14 Q Okay. All right. That was the total

15 number?

16 A Yes, sir.

17 Q Not ten at one time?

18 A No, sir.

19 Q Okay. Ten students who had failed a

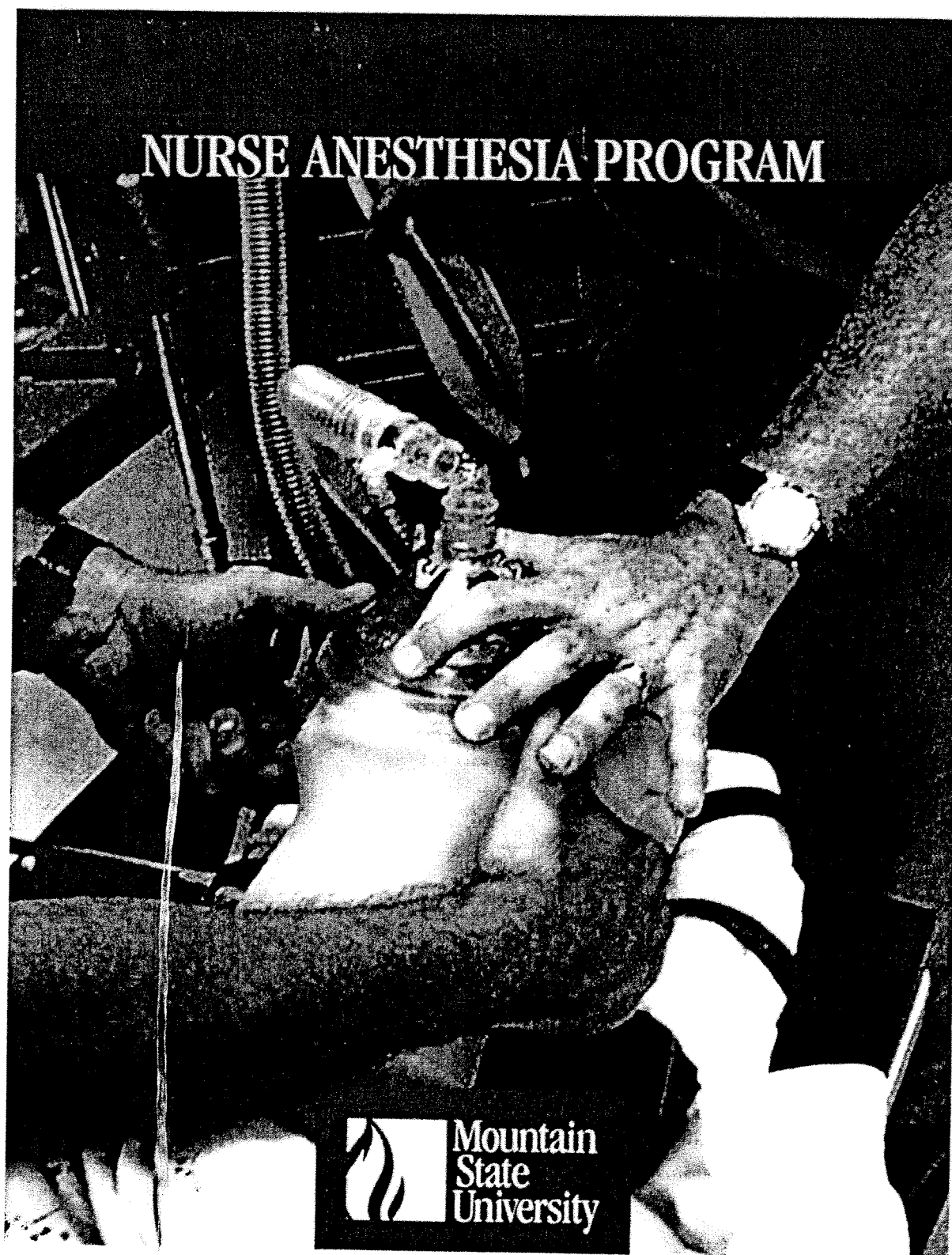
20 course and then were recycling into the next Cohort?

21 A Yes.

22 Q Okay.

23 A They're all out practicing.

EXHIBIT U



The nurse anesthesia program prepares the Registered Professional Nurse (RN) who has completed a minimum of a baccalaureate degree in nursing (BSN) to prepare for entry into advanced practice nursing within the anesthesia specialization. Students receive clinical and didactic experiences that meet or exceed the requirements to take the licensing exam of the Council on Accreditation of Nurse Anesthesia Educational Programs and Council on Certification of Nurse Anesthetists.

The principal educational settings include geographic centers in Huntington, WV; Charleston, WV; Beckley, WV; and western Virginia. One of the goals of the program is to keep the student as close to home as possible for clinical experience. However, some relocation may be needed to accommodate the requirements of the Council on Accreditation of Nurse Anesthesia Educational Programs and Council on Certification of Nurse Anesthetists. Clinical practice offering experience in both rural and urban areas combined with the ability to advance academically to doctoral study are hallmarks of the program.

To graduate from the nurse anesthesia program, students are required to fulfill all of the MSU and the graduate program in nursing requirements for awarding the Master of Science in Nursing degree. Following completion of the program of study and graduation, the graduate is eligible to take the National Certification Examination offered by the Council on Certification of Nurse Anesthetists. The successful completion of this examination is required by the State Boards of Nursing before the graduate can be licensed/titled to practice as a Certified Registered Nurse Anesthetist. Program requirements demand a full-time commitment, so students are not enrolled on a part-time basis.

DEGREE PROGRAM ADMISSION REQUIREMENTS

- Graduation from an NLNAC or CCNE accredited baccalaureate program in nursing with GPA 3.0 or better
- 3 hour undergraduate physics and 1 hour lab (equivalent to MSU's 212 & 212L)
- 3 hour undergraduate biochemistry and 1 hour lab (equivalent to MSU's 480 & 480L)
- GRE scores (the date of the scores must be 6 years or less)
- Current unencumbered West Virginia license to practice as a professional registered nurse
- A minimum of one (1) year of full-time experience as a Registered Professional Nurse in an acceptable clinical practice, including:
 - Intensive Care Unit (ICU)
 - Medical Intensive Care Unit (MICU)
 - Neonatal Intensive Care Unit (NICU)
 - Pediatric Intensive Care Unit (PICU)
 - Surgical Intensive Care Unit (SICU)
 - Cardiac Intensive Care Unit (CCU)
 - Post Anesthesia Care Unit (PACU)
 - Selected Emergency Rooms (ER/ECU)
- Nursing experience must show development as an independent decision maker and demonstrate psychomotor skills. An ability to use and interpret advanced monitoring techniques based on knowledge of physiologic and pharmacological principles is also required.
- Twelve hours of volunteer experience in the past year (can be with any charitable organization)
- Three letters of reference/recommendation
- Completion and current certification or recognition in Health Care Provider BCLS, ACLS, and PALS.
- Goals statement not to exceed 500 words addressing the questions, "Why do I want to be a CRNA?" and "Why am I a good candidate for this program?"

THE INTERVIEW

Following the closing date for submission of applications, all applicant files are screened for completeness. Applicants who meet the University's minimum requirements for admission are invited for an interview. Interviews are scheduled during the spring semester of the year before the candidates begin the didactic portion of the program. If files are complete prior to spring, the interviews and acceptance may be conducted earlier. Candidates and alternates are selected from the individuals interviewed.

BASIC NURSE ANESTHESIA PREPARATION

Nursing Core Courses

GCRNA 503 Issues, Theory, and Ethics	3
GCRNA 501 Health Assessment	2
GCRNA 501L Health Assessment Practicum	1

Research Core Courses

GCRNA 511 Research Process	3
GCRNA 512 Nursing Research	3
GCRNA 608 Research Project (over 4 semesters)	4

Didactic Anesthesia Core Courses

GCRNA 515 Introduction to Anesthesia	2
GCRNA 518 Chemistry & Physics for NA	3
GCRNA 520 Advanced Physiology I	3
GCRNA 522 Adv. Physiology II (Neuro-Science)	3
GCRNA 524 Adv. Physiology III	4
GCRNA 530 Advanced Pathophysiology I	4
GCRNA 532 Advanced Pathophysiology II	3
GCRNA 540 Adv. Pharmacology I (Theory)	3
GCRNA 542 Advanced Pharmacology II	3
GCRNA 546 Advanced Pharmacology III	3
GCRNA 602 Principles of Anesthesia I (Theory)	3
GCRNA 604 Principles of Anesthesia II	3
GCRNA 610 Anesthesia Concepts I	3
GCRNA 612 Anesthesia Concepts II	3

Anesthesia Clinical Core

OR Observation (over 4 semesters)	0
GCRNA 680-683 Clinical Correlation Conferences (over 4 semesters)	8
GCRNA 690-693 Clinical Practicum (over 4 semesters)	12
Total Hours	79

POST MASTER'S PREPARATION

Nursing Core Courses

Issues, Theory, and Ethics	3
Health Assessment	
(Proof by official transcript)	Test Out
Health Assessment Practicum	
(Proof by official transcript)	Test Out

Didactic Anesthesia Core Courses

GCRNA 515 Introduction to Anesthesia	2
GCRNA 518 Chemistry & Physics for NA	3
GCRNA 520 Advanced Physiology I	3
GCRNA 522 Adv. Physiology II (Neuroscience)	3
GCRNA 524 Adv. Physiology III	4
GCRNA 530 Advanced Pathophysiology I	4
GCRNA 532 Advanced Pathophysiology II	3
GCRNA 540 Adv. Pharmacology I (Theory)	3
GCRNA 542 Advanced Pharmacology II	3
GCRNA 546 Advanced Pharmacology III	3
GCRNA 602 Principles of Anesthesia I (Theory)	3
GCRNA 604 Principles of Anesthesia II	3
GCRNA 610 Anesthesia Concepts I	3
GCRNA 612 Anesthesia Concepts II	3

Anesthesia Clinical Core

OR Observation (over 4 semesters)	
GCRNA 680-683 Clinical Correlation Conferences (over 4 semesters)	8
GCRNA 690-693 Clinical Practicum (over 4 semesters)	12
Total Hours	66

The post-master's certificate program includes all of the didactic and clinical anesthesia core courses (total credit hours = 66 hours in 8 semesters). All students are required to provide proof of completion of an advanced physical assessment course at the master's level and either test out or retake the advanced physical assessment course. The post-master's certificate is awarded to students who complete the program of study following completion of a Master of Science in Nursing (MSN) degree from an NLNAC- or CCNE-accredited program.

Transfer credit for courses follows published policies and guidelines established by the University to guide individual programs in accepting course credit from other universities. No transfer credit or challenge credit is granted for the didactic or clinical anesthesia core courses.

Please note that the information contained in this document is subject to change without prior notice. Please contact the graduate nursing program to verify current information.

PROGRAM DELIVERY

The nurse anesthesia program uses various methods to present the didactic portion of the program, including the following:

- **WebCT** - Discussions and interactions with the faculty are conducted using this Web based format. Some unsecured examinations are given via WebCT, and students receive instructions for directed study and clarification from instructional staff. Faculty will offer WebCT "office hours" that correspond to on-campus office hours. Students have the option to meet with staff in person, via telephone, or via Internet.
- **Regtry** - This software program permits the student to hear the actual lecture a faculty member might give in a face-to-face classroom setting. Each student is provided a set of CDs at the beginning of each semester that contain lectures for the semester. Throughout the semester, faculty members assign lectures and additional references for the class via WebCT and then provide continuous feedback to the students.
- Students are required to attend class in three-day blocks beginning in the first semester. Classes are held on Thursday, Friday, and Saturday twice during the first month. The rest of the on-site classes will meet every three weeks for the duration of the program, until the final semester, when only one 4-hour session per month is required. During the on-campus time, students engage faculty in active discussion related to assignments, take tests in a secure environment, and participate in laboratory and simulations experience. Students can meet with student services, information technology, and library personnel as needed.
- Student evaluations and requests are used to determine additional classroom needs. Students share in any decisions regarding increasing class time.
- The CRNA program orders and sets up a computer for each student enrolled in the program at the student's expense. The program will attempt to obtain the best computer available for the price.
- The CRNA program orders all textbooks, which are provided on the first day of class, at the student's expense. Textbooks are purchased directly from publishers, and prices reflect current market charges.
- Costs while the student is on campus include housing and food. There are multiple housing options available for students in the greater Beckley area. Days Inn offer rooms to CRNA students for \$30 plus tax per night. The average cost for a room at other hotels in the area is \$45 to \$50 per night. Because hotel prices vary depending on the time of year, current options are presented to students at the beginning of each semester.

LEARN MORE

For more information, call the MSU Information Center at 304.929.INFO (929-4636) or toll-free at 866.FORMSU (367.6781), or contact the graduate nursing program at 304.929.1576 or crnaprogram@mountainstate.edu. For more information on Mountain State University, visit www.mountainstate.edu.

The Mountain State University graduate nursing program is accredited by the National League for Nursing Accrediting Commission (NLNAC), 61 Boulevard, New York, NY 10014, 212.363.5555. The nurse anesthesia program is accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs, 222 South Progress Avenue, Park Ridge, IL 60068, 847.692.7050 ext. 1168, fax 847.692.7147.

All nursing programs are fully accredited by the National League for Nursing Accrediting Commission (NLNAC), 61 Boulevard, New York, NY 10014, 212.363.5555.



EXHIBIT V

Mountain State University™

MSN Student Handbook

Clinical Placement

It is the faculty's responsibility, in conjunction with the student, to arrange for clinical placement. Every effort will be made to meet each student's needs.

If the faculty member and student agree on a site, the faculty member or student may then contact the preceptor. If the preceptor accepts the student, the student may contact the preceptor. MSU Legal Council will send the contract to the office after being modified and signed. The graduate program secretary mails a packet of information including overview of the program, syllabus, expected outcome, and evaluation form to the preceptor.

For the CRNA track, the clinical assignments are developed to provide the student with sufficient clinical experiences to meet or exceed both COA and CCNA clinical requirements. Student assignments to clinical sites will be within the individual's immediate geographical area when possible. The Nurse Anesthesia faculty have the responsibility to identify, obtain and develop the clinical sites with the support of practitioners and administrators within the clinical sites.

If the faculty member and student cannot agree on a site, appropriate selection is instituted. Student evaluations of past sites are available in the graduate program office. These are filed by type of site, i.e., children/adolescent, young adult, middle adult, and older adult. Each clinical facility's requirements may vary (i.e., required health forms, PPD, etc.). Students must comply with individual requirements of clinical sites.

Change in Program of Study

Students who wish to change their program of study must submit a Change of Major form to the Student Affairs Committee and the Graduate Education Council for approval. These forms are available from the advising office. Approval will be granted based upon the student's qualifications, and entry into the new specialty area will be on a space-available basis.

Program Completion

A full-time program of study can be completed in two years. In the CRNA concentration a student will complete the full time program of study in 30 months from the date of entry into the program. A part-time program of study is completed in four to five years. All students must complete program requirements within five calendar years from the date of first graduate enrollment.